REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Applicants further thank the Examiner for the assistance and clarification provided with respect to the basis and nature of the claim rejections made in the present Office Action.

Claims 8-10, 13, 14, 22-24, and 27-30 are pending in the present application. Claims 8, 22, 29, and 30 are independent claims. Claims 8, 22, 29, and 30 are amended.

Rejections under 35 U.S.C. §101

Claim 29 stands rejected under 35 U.S.C. §101 as relating to non-statutory subject matter on the grounds that the computing device and units of the claim may all be construed as being purely software. Applicants respectfully traverse this rejection.

Applicants have amended claim 29 to now include the limitation that "wherein at least one of said inserting unit, sequencing unit, ordering unit, limiting unit, correlating unit and merging unit includes a processor." Applicants respectfully submit that a processor is a hardware component that cannot be implemented purely as software. Applicants therefore respectfully submit that independent claim 29 cannot now be construed as having a purely software embodiment. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 8-14 and 22-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0038228 by Waldorf (hereafter "Waldorf") in view of U.S. Patent 6,856,970 to Campbell et al. (hereafter "Campbell"). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed.

Claim 8

As amended, independent claim 8 pertains to a method for maintaining information about multiple instances of an activity related to a business process. The method comprises, in pertinent part, managing records in an instance database to properly handle and restrict access to out-of-order records and, for a first in-order record and a second out-of-order record, "receiving correlation data indicating that the first and second records pertain to the same instance; merging the first and second records; and deleting the second record."

Teachings of Waldorf

Insofar as Waldorf teaches correlating records that pertain to the same instance, Waldorf only teaches that the two records are related, via a transaction ID, in a relational database that has a transaction instance table. Specifically, Waldorf teaches that the transaction instance table contains a transaction ID that "relates records in the Transaction Instance Table to a particular transaction."

Examiner Interview

Whereas Waldorf teaches relating records through their transaction ID's, the present invention requires that two correlated records be merged. Applicants discussed the difference between data relation and data merging with the Examiner on April 23, 2009. Applicants explained at that time that data merging is the combination of two data records into one whereas data relation is the connection of two records in a database by related or shared record key information. The Examiner agreed that, as far as he understood at the time, Waldorf and Campbell both suggest data relation and not the type data merging discussed above.

Merging is not Relation

To clarify the meaning of "merging the first and second records," Applicants point to Figs. 9B and 9C of the Specification. Fig. 9B indicates the presence of two partial records in the instance table 132, one of which is visible and one which is marked as completed. Applicants note that the visible record is the one containing an incomplete set of in-order data. Fig 9C shows that, after correlating the two records, the invisible, complete record has been merged with

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the visible record and subsequently deleted. What remains is one complete and visible record of the entire transaction instance. Applicants therefore respectfully submit that "merging the first and second records; and deleting the second record" in independent claim 8 refers to an operation of the type discussed above with respect to Figs. 9B and 9C.

For added clarity as to what is meant by data merging, Applicants note that independent claim 8 requires, after merging, "deleting the second record." Applicants note that under any definition of merging that does not require combining the data of the first and second record into a single record, the deletion of the second record would cause a loss of data that would effectively negate the merging operation. Applicants therefore respectfully submit that the type of data merging meant in independent claim 8 specifically precludes the mere relation of two records because the subsequent deletion of the second record would otherwise remove necessary and non-duplicated data from the transactional record.

Teachings of Campbell

Applicants respectfully submit that Campbell is not relied upon, nor can it properly be relied upon, to remedy the deficiencies of Waldorf with respect to the independent claim 8. Applicants respectfully submit that Campbell contains no teaching or suggestion of merging a first and a second transaction record and then deleting the second transaction record as required by independent claim 8.

Claims 22, 29, and 30

Claims 22, 29, and 30 are all amended in a fashion similar to independent claim 8 to more clearly define what is meant by merging records. Applicants therefore respectfully submit that independent claims 22, 29, and 30 are allowable over Waldorf and Campbell for at least the same reasons as set forth with respect to independent claim 8.

Claims 9-10, 13 – 14, 23 - 24 and 27 – 28

Applicants respectfully submit that claims 9-10, 13 – 14, 23 - 24 and 27 – 28 are allowable at least by virtue of their dependency from independent claims 8, 22, 29, and 30.

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Summary

At least for the reasons set forth above, Applicants respectfully submit that neither Campbell nor Waldorf, taken either alone or in combination (assuming the references may be combined, which Applicants do not admit) teach or suggest merging records in the manner defined in independent claims 8, 22, 29, and 30, and all claims depending therefrom. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.
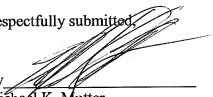
Conclusion

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Naphtali Y. Matlis Reg. No. 61,592 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 29, 2009

Respectfully submitted,

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